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Serial No. 10/055,759

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PATENT
Docket No. PU020022

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	John Sidney Stewart	Examiner:	Annan Q. Shang
Serial No.	10/055,759	Group Art Unit:	2623
Filed:	January 23, 2002	Docket No.	PU020022
Title:	MULTIMEDIA ON DEMAND FOR USE IN A NEAR ON DEMAND ENVIRONMENT		
Customer No.:	24498		

SUBSTITUTE APPELLANT'S BRIEF

MAIL STOP: APPEAL BRIEF - PATENTS
Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

Sir:

This substitute brief is in response to the Notification of Non-Compliant Appeal Brief mailed on July 10, 2008.

Applicant hereby appeals to the Board from the decision of the Examiner in the Final Office Action dated January 2, 2008 that rejected the pending claims 1-20. Accordingly, claims 1-20 are now on appeal. The fee for the appeal was already paid for in the Appeal Brief filed on June 30, 2008. It is believed that no other fees are owed in connection with the filing of this substitute Appeal Brief, but if any fees are owed, please charge Deposit Account 07-0832.

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PATENT
Docket No. PU020022**I. REAL PARTY IN INTEREST**

The real party in interest in this appeal is Thomson Licensing Inc., the assignee of record.

II. RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

The status of claims of all the claims in the application, claims 1-20, is set forth in Appendix A of this brief. Claims 1-20 are rejected under 35 U.S.C. § 112, claims 1-6, 8, 10-18, and 20 are rejected under 35 U.S.C. § 102(e), and claims 7, 9, and 19, are rejected under U.S.C. § 103(a) in the Final Office Action dated January 2, 2008.

IV. STATUS OF AMENDMENTS

No amendments to the claims have been filed subsequent to the Final Office Action dated January 2, 2008.

V. SUMMARY OF CLAIMED SUBJECT MATTER

For Claim 1, a process that provides multimedia presentations on demand in a near on demand environment is claimed. See Specification, page 1, line 30 to page 2, line 3. ("[m]ultimedia on demand services in accordance with the inventive arrangements provide multimedia on demand in a near multimedia on demand environment"). The process pre-records a beginning segment of a multimedia presentation which is broadcasted over at least two channels. See Specification page 8, lines 1-13. ("FIG. 3A illustrates an exemplary timeline of a broadcasting schedule that has multiple broadcasts of a multimedia presentation on a plurality of channels."), see page 8, lines 14-21, ("[a]lso shown in FIG. 3A is a beginning segment 310 for Broadcast 1, which is recorded from channel 1 in anticipation of future use."); FIG. 3A. Further, the multimedia presentation is broadcasted

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over the at least two channels with a periodic interval being a difference of time between the start of the broadcast of the multimedia presentation over a first channel and a second different channel. See Specification, page 8, lines 1-13 (“[f]urthermore, broadcasts of a particular media presentation are commenced with a time interval ‘1_’ between the start of each broadcast.”); FIG. 3A. The beginning segment has a time duration at least as long as the periodic interval. See Specification, page 2, lines 4-14 (“[t]he periodic interval between broadcasts should be less than or equal to the length of the beginning segments.”), See Specification, page 8, lines 14-21, (“[t]he length of beginning segment 310 is equal to the time interval ‘L’”); page 19, lines 2-12 (“[e]ach of the beginning segments are at least as long as the periodic interval.”).

The process of Claim 1 continues with the receipt of a user request for performance of the multimedia presentation. See Specification, page 10, lines 13-29, (“... the broadcast system controller 102 can continually monitor the broadcaster communication unit 108 for user requests. When a request to view a program presentation is received, an authorization code can be generated ...”). In response to the user request, the process commences playback of the beginning segment corresponding to the multimedia presentation. See Specification, page 10, lines 13-29, (“[t]he authorization code can enable the subscriber to begin a performance of the user selected multimedia presentation or program, by initiating playback (PM) of the corresponding beginning segment, for example 310, which was pre-recorded on the subscriber multimedia system 200.”); FIG. 4. Further, the beginning segment is received unscrambled. See Specification, page 9, lines 10-20, (“[a]dditionally, the beginning segments can be transmitted in an unscrambled format to facilitate recording of them on the multimedia recorders 210 in the subscriber multimedia systems 200.”).

In response to the user request, Claim 1 then has a step of commencing a recording of the multimedia presentation for which a broadcast has already begun. See Specification, page 13, lines 3-19, (“[r]eferring to step 506 of FIG. 5, concurrent with the playback (Pb1) of beginning segment 310, the multimedia system controller 202 can communicate to the multimedia recorder 210 to receive from the broadcast receiver 204 and begin recording